

REMARKS

I. STATUS OF CLAIMS:

Claims 1-23 and 27-32 are pending and all claims are rejected. As indicated in the Advisory Action received January 14, 2009, the proposed amendments filed on December 15, 2008, were entered.

By this Amendment, claims 1, 19, 26, 27, 29, 31 and 32 have been amended. No new matter is believed to have been added by these changes.

Upon entry of these changes, claims 1-23 and 27-32 would be pending.

II. CLAIM REJECTIONS – 35 U.S.C. § 103:

Claims 1-18, 27-29, 31 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Strietzel (U.S. 2001/0051517) in view of Reese (U.S. 2003/0191685 A1).

Claims 19-23 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Strietzel (U.S. 2001/0051517) alone.

A. Claims 1, 16, 31 and 32:

Claim 1, as amended, is directed to a system which includes a promotion server configured to send a promotion message associated with an event having a defined start time to one or more communication terminals through at least one communication network in response to receiving a promotion message request from an event manager. The promotion server is further configured to receive an acceptance signal relating to the sent promotion message from the one or more communication terminals through the at least one communication network. The promotion server includes a register for associating an accepting communication terminal of the

one or more communication terminals with the promotion message, on reception of the acceptance signal from the accepting communication terminal. The promotion server is further configured to send a reminder for the event to the accepting communication terminal through the first communication network. The event manager is separate from the one or more communication terminals.

On the contrary, Strietzel describes a system which is different than the system of claim 1. In Strietzel, a user makes a call to a destination through a telecommunication network and “advertisement is then played for the user associated with the destination.” (See e.g., Figs. 7 and 8.) In particular, in Strietzel, the message is a play back advertisement message that is played back to the calling party through for example a phone call rather than being sent. Thus, Strietzel is silent as to sending of a promotion message from a promotion server to one or more communication terminals through at least one communication network in response to receiving a promotion message request from an event manager, as claimed.

Second, the Examiner alleges that Strietzel describes in paragraph [0007] “receiving a promotion message request from an event manager”. However, Strietzel is silent as to an event manager or any such manager sending requests to the promotion server, as reflected in the claim. Moreover, Strietzel is silent as to an event manager being separate from the one or more communication terminals, as further reflected in amended claim 1.

Third, the Examiner alleges that Strietzel describes in paragraph [0055] “to receive an acceptance signal from the one or more communication terminals”. Strietzel however states:

Each of the implementations discussed may also incorporate a means to acquire more information about a product or service advertised during the communication.

For example, a calling or called party in a telephone network, a cellular network, or a paging network can stay on [call] after the communication transaction is over....

As indicated in the cited portions of the reference, Strietzel relates to phone calls and is silent as to the sending of a promotion message from a promotion server as claimed (see above). Thus, it necessarily follows that Strietzel is also silent as to receiving an acceptance signal relating to the sent promotion message from the one or more communication terminals, as further reflected in amended claim 1.

Fourth, the Examiner alleges that Strietzel describes in paragraph [0042] the claim language of “comprising a register for associating an accepting communication terminal ... with said promotion message, on reception of said acceptance signal from said accepting communication terminal,...” Strietzel however appears to describe at least one advertisement being selectively associated with a source, rather than any association with a specific accepting communication terminal as claimed. Further, the cited portions of Strietzel (i.e., paragraphs [0055] and [0042]) are not interrelated or interconnected in a manner that would teach or suggest this claimed aspect as well as the claimed combination.

Fifth, the Examiner alleges that Strietzel describes in paragraph [0007] the claim language: “communicate a reminder signal for said event to said accepting communication terminal through said first communication network.” As noted above, Strietzel involves phone calls and, thus, does not disclose or suggest the sending of a reminder as reflected in amended claim 1.

The remaining reference as relied upon in the Office Action does not remedy the deficiencies in the Strietzel teachings.

In view of at least the foregoing, claim 1 and its dependent claims are believed to be distinguishable over the cited references, individually or in combination. For similar reasons, claims 16, 31 and 32 and their dependent claims (if any) are also believed to be distinguishable over the same.

B. Claims 19, 27 and 29:

Claim 19, as amended, is directed to a communication terminal. The communication terminal comprises a messaging module configured to receive a promotional message through a first communication network; a calendar module configured to enable a user of said apparatus to perform general calendar operations; a media playback module configured to output said promotion message; a storage module configured to store promotion message information; and a promotion messaging module configured to transmit said promotion message.

Strietzel as relied upon in the Office Action relates to a router, not a communication terminal (e.g., a user's communication terminal or device). Strietzel is also silent as to a calendar or calendar module in the communication terminal. Thus, claim 19 and its dependent claims are distinguishable over Strietzel. For similar reasons, claims 27 and 29 and their dependent claims (if any) are also believed to be distinguishable over the same.

CONCLUSION

Based on the foregoing remarks, the Applicant respectfully requests entry and consideration of these amendments.

DEPOSIT ACCOUNT AUTHORIZATION

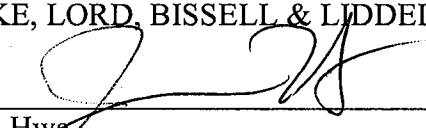
The Commissioner is authorized to charge any additional fees which may be required for timely consideration of this response, or credit any overpayment to Deposit Account No. 504827, Order No. 4208-4224.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 504827, Order No. 4208-4224.

Respectfully submitted,
LOCKE, LORD, BISSELL & LIDDELL, L.L.P.

Dated: February 26, 2009

By: _____


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